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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/444,790	05/19/1995	MANFRED BROCKHAUS	9189	5612
37500	7590	01/06/2009		
AMGEN INC. LAW DEPARTMENT 1201 AMGEN COURT WEST SEATTLE, WA 98119			EXAMINER HOWARD, ZACHARY C	
			ART UNIT 1646	PAPER NUMBER
			MAIL DATE 01/06/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* MANFRED BROCKHAUS,  
ZLATKO DEMBIC, REINER GENTZ,  
WERNER LESSLAUER, HANSRUEDI LOTSCHER  
and  
ERNST-JURGEN SCHLAEGER

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Application No. 08/444,790  
Technology Center 1600

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Mailed: January 6, 2009

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Before PAMELA S. BENNETT, *Review Team Paralegal*  
BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on December 15, 2008. A review of the application revealed that it is not ready for docketing as an appeal.

Accordingly, the application is herewith being returned to the Examiner to address the following matters requiring attention prior to docketing.

### **PETITION**

Appellants filed a paper entitled “Renewed Petition under 37 C.F.R. § 1.181(F) Requesting Further Review at a Higher Level” (hereinafter “Petition”) dated November 21, 2008. There is no indication on the record that the Examiner has considered the above Petition.

### **INFORMATION DISCLOSURE STATEMENT**

Appellants filed an Information Disclosure Statement (IDS) dated December 1, 2008. There is no indication on the record that the Examiner has considered the above IDS. Section 609 of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 6, September 2007) requires the Examiner to consider any IDS filed by Applicants if timely submitted. A written communication notifying Appellants of the Examiner’s consideration of the above IDS is required.

### **CONCLUSION**

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to consider the Petition dated November 21, 2008 as required;

- 2) to consider the IDS dated December 1, 2008; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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